

Application Serial No: 10/679,678
In reply to Office Action of 17 June 2004

Attorney Docket No. 83843

REMARKS / ARGUMENTS

Claims 1-20 are currently pending in the application. No claims are allowed. Claims 1, 2 and 14-20 are rejected and claims 3-13 are objected to. Claims 1, 2 and 14-20 are cancelled without prejudice or disclaimer by this response. Claim 3 is amended by this response.

The Office Action has rejected claims 1 and 14-16 under 35 U.S.C. § 102(b) as being anticipated by Niederer.

The Office Action states that Niederer shows a body with a nose and a tail, and having a mast attached to the body. The mast has a rigid lower mast section [22] mechanically attached to the body, and an upper mast section [23] that is extendable from the lower mast section. A motor [58] with controller (see figure 6a) is in mechanical connection with the mast for initiating the extension of the mast from the tow body. (see col. 3, lines 2-5; col. 10 10, lines 36-44; and col. 11, lines 28-37).

This body is capable of being towed if required, and therefore, is considered as "suitable for towing", as set forth by the applicant in claim 1.

The limitation "an upper mast section being extendable from the lower mast section" has been broadly interpreted as the upper mast section as merely being an extension of the lower

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mast section, and not necessarily as being movably or retractably extensible. (emphasis provided)

The Office Action has rejected claims 1, 2 and 14-20 under 35 U.S.C. § 102(b) as being anticipated by Helmore.

The Office Action states that Helmore shows a body with a nose and a tail, and having a mast [12] attached to the body. The mast has a rigid lower mast section mechanically attached to the body, and an upper mast section that forms an extension of the lower mast section, and is therefore considered extendable from the lower mast section. A motor [26] with controller [30] is in mechanical connection with the mast for initiating the extension of the mast from the tow body. A pressure sensor [8] initiates the extension of the mast.

The body comprises components which can be detected by radar.

The body is capable of being towed if required, and therefore, is considered as "suitable for towing", as set forth by the applicant in claim 1.

The Office Action has rejected claims 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Rebikoff.

The Office Action states that Rebikoff shows a body [2] with a nose and a tail, and having a mast [15] attached to the body. The mast has a rigid lower mast section mechanically attached to the body, and an upper mast section that is retractably extendable from the lower mast section.

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The Office Action has rejected claims 2 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Niederer in view of Daggett.

The Office Action states that Niederer shows a body with an extensible mast controlled by a motor, as above.

Niederer does not show a controller that initiates the extension of the mast in response to a depth indication by a pressure sensor, but refers to Daggett (U.S. Patent No. 3,106,712) for such details.

Daggett shows a controller initiating the extension of the mast in response to a depth indication by a pressure sensor (col. 2, lines 13-19).

It would have been obvious for one skilled in the art at the time of the invention to have configured the controller of Niederer to initiate the extension of the mast in response to a depth indication by a pressure sensor, as taught by Daggett. Having such an arrangement would have been advantageous as it would have provided an automated system that would operate without human intervention, and therefore would have precluded problems resulting from human error.

This Office Action has objected claims 3-13 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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These rejections and objections are respectfully traversed in view of these amendments and remarks. Applicant therefore solicits reconsideration and allowance of the claims of the present application.

In the Office Action, claims 1 and 14-16 of the present application were rejected under 35 USC 102 as being anticipated by Niederer (U.S. Patent No. 3,180,295). In response, claims 1 and 14-16 have been cancelled without prejudice or disclaimer. As such, the rejection of the Office Action is resolved for claims 1 and 14-16.

In the Office Action, claims 1, 2 and 14-20 of the present application were rejected under 35 USC 102(b) as being anticipated by Helmore (U.S. Patent No. 2,413,350). In response, claims 1, 2 and 14-20 have been cancelled without prejudice or disclaimer. As such, the rejection of the Office Action is resolved for claims 1, 2 and 14-20.

In the Office Action, claims 14 and 15 of the present application were rejected under 35 USC 102(b) as being anticipated by Rebikoff (U.S. Patent No. 3,161,168). In response, claims 14 and 15 have been cancelled without prejudice or disclaimer. As such, the rejection of the Office Action is resolved for claims 14 and 15.

In the Office Action, claims 2 and 17-20 were rejected under 35 USC 103(a) as being unpatentable over Niederer (U.S. Patent

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No. 3,180,295) in view of Daggett (U.S. Patent No. 3,106,712).

In response, claims 2 and 17-20 have been cancelled without prejudice or disclaimer. As such, the rejection of the Office Action is resolved for claims 2 and 17-20.

In the Office Action, claims 3-13 were objected to as being dependant upon a rejected base claim but would be allowable of rewritten in independent form including all the limitations of the base claim and any intervening claims. In response, claim 3 has been amended into independent form to include all the limitations of base claim 1 and intervening claim 2. Claims 4-13 remain in their originally submitted form as being dependant on claim 3 and therefore claims 4-13 have not been amended. As such, the objection of the Office Action is resolved and claims 4-13 are in allowable form.

In accordance with the remarks above and the amended claims, the Applicant therefore respectfully request reconsideration and allowance of the application.

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The Examiner is invited to telephone Michael P. Stanley;
Attorney for the Applicant, at 401-832-6393 if, in the opinion
of the Examiner, such a telephone call would serve to expedite
the prosecution of the subject patent application.

Respectfully submitted,
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4 August 2004

By



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